

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v-

JERMAINE DORE and DWAYNE
BARRETT,

Defendants.

No. 12 Cr. 45 (RJS)

ORDER

RICHARD J. SULLIVAN, District Judge:

As stated on the record earlier today, Defendants object to the admissibility of certain evidence offered by the government. First, Defendants object to the introduction of the following photographs as unduly prejudicial: Government Exhibits 218, 223, 224, 225, 226, 229, 230, and 231. As stated on the record, the Court overruled Defendants' objection as to Exhibit 230. The Court also finds that Exhibits 218 and 231 are not unduly prejudicial, and thus overrules Defendants' objection. However, concerning the remaining photographs – Exhibits 223, 224, 225, 226, and 229 – the Court finds these to be lacking in probative value and unduly prejudicial, and therefore sustains Defendants' objection as to the admissibility of these items.

Defendants also object to the admissibility of a paragraph contained in the expert report introduced by Dr. Monica Smiddy (Government Exhibit 500). Specifically, Defendants argue that the paragraph, which is part of a separate report prepared by Investigator Robert Yee, is hearsay and subject to no permissible exception under the Federal Rules of Evidence. The Court finds that this paragraph, which is located on “page 4 of 4” of this report, is indeed hearsay and

therefore is inadmissible. Accordingly, Defendants objection is sustained and the government is directed to redact this paragraph from Exhibit 500 before it may be shown to the jury.

SO ORDERED.

Dated: March 11, 2013
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE